

### **REMARKS**

Claim 3 has been canceled. Thus, Claims 1, 2, 4-7, 9-11, 13, 14, 16-18 and 25-28 remain pending in this application. Claims 1 and 13 have been amended. Applicant respectfully requests entry of these amendments in light of the remarks below.

#### **I. DOUBLE PATENTING**

Claims 1-3, 7, 9-11, 13, 14, 16-17 and 25-26 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over various claims of co-pending U.S. Patent Application No. 10/785,233 in view of one or more references. To overcome the double patenting rejection, Applicants submit a Terminal Disclaimer herewith to disclaim the terminal part of the statutory term of any patent granted on the above-referenced application which would extend beyond the expiration date of the full statutory term of any patent granted on co-pending U.S. Patent Application Publication No. 10/785,233.

#### **II. REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1-3, 7, 9-11, 13, 14, 16-17 and 25-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Quiles*, et al. (U.S. Patent No. 7,065,072) in view of *Harrisville-Wolff*, et al. (U.S. Patent No. 6,950,847). Claims 4-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Quiles* and *Harrisville-Wolff* in view of *Lau* et al., (U.S. Patent No. 7,079,485B1). Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Quiles* and *Harrisville-Wolff* in view of *Hughes* (U.S. Patent No. 6,434,612). Claims 27-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Quiles* and *Harrisville-Wolff* in view of *Teixeira* et al., (U.S. Patent Application Publication No. 2003/0142811). Applicant respectfully traverses these rejections for the exemplary reasons provided below.

Applicant has amended independent Claim 1 to incorporate the subject matter of Claim 3 to now recite: “*common resources including at least switch fabric.*” Applicant has amended independent Claim 13 to include a similar limitation of “*wherein said common resources*

*includes at least switch fabric.*” Applicant submits that these features are not taught or suggested by the combination of *Quiles* and *Harrisville-Wolff*.

On page 18 of the Office Action, when discussing Claim 3, the Examiner stated that “*Quiles* shows said common resources includes switch fabric (*Quiles*: col. 4, lines 46-47; The network interface card also contains the IP/ATM switch fabric).” Although Applicant agrees with the Examiner that *Quiles* does teach that the network interface card contains the IP/ATM switch fabric, Applicant respectfully disagrees that the “network interface card” of *Quiles* can be considered “common resources,” as claimed in the present invention. In particular, although the network interface card of *Quiles* is shared among the different line cards (*see Quiles, col. 4, lines 37-55*), portions of the network interface card are not “dedicated” to different line cards. That is, “respective portions of said common resources” (i.e., the network interface card) are not “dedicated to said first and second logical communications nodes,” as is claimed in the present invention. In *Quiles*, the only portion of the DSLAM that is dedicated to different service providers is the line cards (*see Quiles, col. 5, lines 3-14*), not the network interface card.

Therefore, Applicant respectfully submits that neither *Quiles* nor *Harrisville-Wolff*, alone or in combination, teach or suggest all of the features of Claims 1 and 13. Claims 2, 4-7, 9-11, 14, 16-18 and 25-28 are dependent claims that include the same exemplary features described above with respect to Claims 1 and 13. Accordingly, the § 103 rejections of Claims 2, 4-7, 9-11, 14, 16-18 and 25-28 are overcome for at least the same exemplary reasons given above with respect to the rejections of Claims 1 and 13.

As demonstrated above, the § 103 rejections of Claims 1, 2, 4-7, 9-11, 13, 14, 16-18 and 25-28 are overcome, and withdrawal of those rejections is respectfully requested. Therefore, Applicant submits that Claims 1, 2, 4-7, 9-11, 13, 14 and 16-18 are in condition for allowance.

**CONCLUSION**

For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact the undersigned at the number indicated below.

Respectfully submitted,

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